

SENATE BILL No. 479

DIGEST OF INTRODUCED BILL

Citations Affected: IC 31-17-2-3.

Synopsis: Child custody proceedings. Requires: (1) a person, other than a parent, filing for custody of a child to file a verified petition that meets specific requirements; and (2) a court to dismiss the petition if the person does not file the verified petition. Prohibits the court from modifying a custodial arrangement pursuant to a petition by a person other than a parent unless certain factors are met.

Effective: July 1, 2007.

Merritt

January 11, 2007, read first time and referred to Committee on Judiciary.

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First Regular Session 115th General Assembly (2007)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2006 Regular Session of the General Assembly.

SENATE BILL No. 479

A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 31-17-2-3 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 3. **(a)** A child custody
3 proceeding is commenced in the court by:

4 (1) a parent by filing a petition under IC 31-15-2-4, IC 31-15-3-4,
5 or IC 31-16-2-3; or

6 (2) **subject to subsection (b)**, a person other than a parent by
7 filing a petition seeking a determination of custody of the child.

8 **(b) A person who files a petition for a determination of custody**
9 **of a child under subsection (a)(2) shall file a verified petition that**
10 **specifies in detail the following:**

11 (1) **The name and address of the petitioner.**

12 (2) **The relationship, if any, that the petitioner has with the**
13 **child.**

14 (3) **A description of:**

15 (A) **a significant risk of substantial harm to the child**
16 **created by the existing custody arrangement; or**

17 (B) **both of the following:**

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- 1 (i) The manner in which the child's basic needs are not
- 2 being met by the child's parent, guardian, or custodian.
- 3 (ii) Evidence that the child's parent, guardian, or
- 4 custodian is unfit.
- 5 (4) An explanation on how the requested custody
- 6 determination would substantially and significantly further
- 7 the best interests of the child.
- 8 (c) If a person fails to comply with subsection (b), the court shall
- 9 dismiss the petition.
- 10 (d) A court may not modify an existing custodial arrangement
- 11 pursuant to a petition filed under subsection (a)(2) unless the
- 12 petitioner proves by clear and convincing evidence that:
- 13 (1) placing the child with the petitioner is substantially and
- 14 significantly in the best interests of the child; and
- 15 (2) one (1) or both of the following exist:
- 16 (A) The current custodial arrangement poses a significant
- 17 risk of substantial harm to the child.
- 18 (B) The child's basic needs are not being met by the child's
- 19 parent, guardian or custodian, and the child's parent,
- 20 guardian, or custodian is unfit to be the child's parent,
- 21 guardian, or custodian.

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